

DATE

Deirdre Fontenot
5207 E. Admiral Doyle
Jeanerette, Louisiana 70544

Re: **Louisiana Board of Ethics**
Docket No. 2021-584

Dear Ms. Fontenot,

The Louisiana Board of Ethics, at its meeting on October 8, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit you from operating a home to provide services for foster children.

FACTS PROVIDED

You are currently employed as a Child Welfare Service Assistant in the Child Welfare Division with the Louisiana Department of Children and Family Services ("DCFS") in St. Mary Parish. Your husband, Alex Fontenot, is also employed as a Child Welfare Service Assistant with DCFS in St. Martin Parish. Your office provides services for children that are being placed in foster care in St. Mary Parish, while your husband's office provides the same services in St. Martin Parish. Your duties include assisting support staff in providing child welfare services to clients, transporting clients to various services, monitoring family visitation between caregivers and children with parents, and scheduling client transportation for follow-up visits. Neither yourself, nor your husband, provide services outside of your respective parishes.

DCFS has created a certification process that allows DCFS employees to become approved as a foster home setting for children, provided that certain additional requirements are met that are designed to prevent bias, abuse of authority, favoritism, and/or use of influence in the certification, placement, or service delivery processes. DCFS requires the employee to enter into an Employee Certification Agreement, prior to approval, to avoid any conflict of interest or the appearance of a conflict of interest.

DCFS requires the employee to apply in the same manner as non-employee applicants and prohibits the employee from participating in all staff or agency transactions involving the approval or denial of the foster home application. DCFS requires the applicant to pass a background check, investigation, and walk-through of the home prior to being approved as a foster home setting. The DCFS process requires that all approval activities would be conducted by a DCFS office outside of the parish in which the employee serves. Any

approval of the application would come from the DCFS Regional Administrator. Once approved, DCFS policy prohibits the employee from accepting a foster placement for any child for whom he is responsible as part of the employee's job duties. Additionally, any child placement would be assigned by the DCFS Regional Administrator, with the agreement and supervision of the Child Welfare Manager.

You have created Serenity Place Foster Services, LLC. You intend to provide a temporary home for children to be placed into while awaiting placement with a foster home. You would provide hot meals, bath facilities, entertainment, warm beds, and an overall safe environment for the children while the DCFS case worker locates a foster home that can house children and their siblings in one place. You stated that you would not house children from either the St. Mary Parish or St. Martin Parish DCFS offices.

LAW

La. R.S. 42:1113A(1)(a): No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1102(2)(a)(i) defines "agency" for public servants in an executive branch department of state government to mean the office in which such public servant carries out his primary responsibilities.

CONCLUSION

The Board concluded, and instructed me to inform you, that Section 1113A would not prohibit you from applying to be certified as a foster home setting with DCFS, since the application process will be handled by a DCFS office outside of St. Mary or St. Martin Parishes, and all child placements would be handled by a DCFS office outside of St. Mary or St. Martin Parishes.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.